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## SENATE BILL No. 285

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-28-5; IC 31-34-21-12.

**Synopsis:** Removal of child receiving foster care. Requires a court to hold a hearing to determine the extent to which a foster child has bonded with a foster parent if the department of child services or a court intends to remove the foster child from the home of the foster parent and the foster child has lived with the foster parent for more than two years. Provides that if a court determines that a child has bonded with a foster parent to a considerable degree, the foster child may not be removed from the home of the foster parent for at least six months.

**Effective:** July 1, 2008.

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January 10, 2008, read first time and referred to Committee on Judiciary.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## SENATE BILL No. 285

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 31-28-5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

### **Chapter 5. Transfer of Children Receiving Foster Care**

**Sec. 1. (a) Except as provided in subsection (c), if a child receiving foster care has lived with a foster parent for more than two (2) years and a court or the department intends to remove the child from the home of the foster parent, before the removal of the child, the court must hold a hearing to determine the extent to which the child has bonded with the foster parent.**

**(b) If a court determines that the child has bonded with the foster parent to a considerable degree, the court shall order that the child may not be removed from the home of the foster parent for at least six (6) months.**

**(c) A court or the department may remove a child from the home of a foster parent without a hearing under this section if the foster parent is:**



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- 1           **(1) the subject of a substantiated report accusing the foster**  
2           **parent of child abuse or neglect; or**  
3           **(2) convicted of a felony listed in IC 31-27-4-13.**

4           SECTION 2. IC 31-34-21-12 IS ADDED TO THE INDIANA  
5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2008]: **Sec. 12. If a child receiving foster care**  
7 **has lived with a foster parent for more than two (2) years and a**  
8 **court or the department intends to remove the child from the home**  
9 **of the foster parent, prior to the removal of the child, the court**  
10 **must hold a hearing under IC 31-28-5-1 to determine the extent to**  
11 **which the child has bonded with the foster parent.**

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